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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,381	02/11/2004	Robert G. Bridges	40168-000100	4601

20350 7590 12/03/2008

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EXAMINER	
DINH, TAN X	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,381	BRIDGES, ROBERT G.	
	Examiner	Art Unit	
	TAN X. DINH	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-15 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1) The pre-brief conference request filed 7/18/2008 is acknowledged. The pre-brief conference decision mails out on 9/24/2008. the following is a new ground of the rejection.

2) Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 29 fails to further limit independent claim 26, respectively. Dependent claims 29 does not require the mixing of complete first and second tracks, which are required by claim 26 (the video signal, such as, movie in DVD does not contains tracks as recited in claim 26).

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4) Claims *12-15 and 22-31* are rejected under 35 U.S.C. 103(a) as being unpatentable over ALFERNESS (7,078,607).

ALFERNESS discloses a storage medium having audio tracks embodied therein as claimed in claim 12, comprising N number of audio tracks N number of audio tracks each audio track having stored therein a complete previously mixed song (column 3, line 35-46. In this case, each song is capable of mixing in 20 difference ways of guitar solos, after mixing the songs have a new version which is complete songs), V versions of at least one of the N audio tracks (column 3, line 35-46. In this case, each song (audio track) could be mixed in difference version V by adding favorite music instruments, after mixing, the songs have new versions which is different with previous songs, and information for determining which of the V versions is to be played (figure 6, 620. See column 6, lines 31-33. In this case, the scripts functions as control track for determining which of V versions is to be played. See also figure 7 and column 6, line 48 to column 7, line 5 for creating scripts), *except to specifically show that* the music songs (audio tracks) and the information for determining which of the song versions is to be played are stored in the recording medium. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to store the mixed songs and the information for determining which of the versions is to be played in

ALFERNESS's songs mixing device as claimed. The rationale is as follows:

i) It is well known in the audio recording art that the music songs (audio tracks) after editing process (easing, adding or mixing with other sound fields) can be recorded to any suitable storage medium for later playing back, this step can be done in every audio recording studio (see column 3, line 35 to column 5, line 14), and

ii) In column 6, lines 13-45, ALFERNESS suggests to store the script into any suitable recording medium, such as, CD or DVD. Therefore, anyone of ordinary skill in the art at the time of the invention was made would have been motivated to store the mixed song and control script in storage recording medium as claimed.

The feature of claim 13 is inherent in ALFERNESS's audio recording device since the device contains plurality of N audio tracks and V versions.

As to claim 14, it would have been obvious to use an optical storage medium for storing audio tracks as claimed since this feature is old and widely used in audio recording art (see column 1, lines 19-34).

As to claim 15, the trigger point is included in script to control the playing of different song versions.

Claim 22 is rejected with the same reasons set forth in claim 12 above.

The features as claimed in claims 23-25 are inherent in ALFERNESS's audio recording device since the device capable of mixing songs as variable or the same as song base version.

Claim 26 is rejected with the same reasons set forth in claim 12 above.

As to claims 27 and 28, ALFERNESS shows the media work is audio media work (abstract, the songs are mixing and playing back which is audio media work).

As to claim 29, it would have been obvious to mixing or editing the video signal since this technique is old and widely used in the studio for editing movie or motion pictures.

As to claims *30 and 31,* the feature of mixing songs in studio by artist are old and widely used in the audio recording art.

5) Applicant's arguments with respect to claims *12-15 and 22-31* have been considered but are moot in view of the new ground(s) of rejection.

6) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Form PTO-892 is attached herein.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN Xuan DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO customer Service Representative or access to the automated information system, call 800-786-9191 (in USA or Canada) or 571-272-1000.

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
December 1, 2008